

BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD
CENTRAL PUGET SOUND REGION
STATE OF WASHINGTON

DOWNTOWN EMERGENCY SERVICE
CENTER (DESC),

Petitioner,

v.

CITY OF TUKWILA,

Respondent.

CASE NO. 9-3-0014 (*DESC I*)
CASE NO. 10-3-0006 (*DESC II*)

ORDER OF DISMISSAL

I. BACKGROUND

On November 13, 2009, the Central Puget Sound Growth Management Hearings Board received a Petition for Review from Downtown Emergency Services Center (DESC) seeking review of Tukwila Ordinance No. 2248. The matter was assigned Case No. 09-3-0014. On April 23, 2010, the Board received a second petition from DESC challenging Tukwila Ordinance No. 2277. The matter was assigned Case No. 10-3-0006. Both petitions concerned actions of the City of Tukwila which DESC alleged prevented it from siting two essential public facilities. The two petitions were coordinated as DESC I and DESC II. The parties subsequently requested and were granted a series of settlement extensions.

On July 14, 2010, the Board received DESC's Motion for Voluntary Dismissal of the coordinated cases. DESC indicated that it has succeeded in locating a site in another city where its two facilities may be located; therefore it no longer needs to resolve the issue of whether Tukwila's ordinances violate the GMA requirement for the siting of essential public facilities. Thus DESC voluntarily withdraws its two petitions for review.

1 **II. DISCUSSION**

2 WAC 242-02-720 provides: "Any action may be dismissed by a board ...upon motion of the
3 petitioner or respondent prior to the respondent's case."
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5 DESC's Motion to Dismiss was filed prior to the submission of any substantive briefing by
6 any party to this case and is timely.
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8 **III. ORDER**

9 Based upon review of the GMA, Board's Rules of Practice and Procedure, case law and
10 prior decisions of this Board, the Board enters the following ORDER:
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- 12 1. The Petitioner's Motion for Voluntary Dismissal is **granted**.
- 13 2. The matter of *Downtown Emergency Services Center v. City of Tukwila*
14 (*DESC I*), CPSGMHB Case No. 09-3-0014, is **closed**.
- 15 3. The matter of *Downtown Emergency Services Center v. City of Tukwila*
16 (*DESC II*), CPSGMHB Case No. 10-3-0006, is **closed**.

17 So ORDERED this 16th day of July, 2010.
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21 David O. Earling, Board Member
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24 Margaret A. Pageler, Board Member
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